IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.105 OF 2006

IN

WRIT PETITION NO.711 OF 2006

...

Shri Vishwanath Gamaji Meher
and ors. ...Petitioners

v/s.

Agricultural Produce Market
Committee & Ors. ...Respondents

...

Mr.M.M.Vashi for the Petitioners.

Mr.N.N.Bhadrashete for the Respondents.

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CORAM: D.K.DESHMUKH, J.

DATED: 5TH MARCH,2007

P.C.:

1. By this petition the Petitioners allege that the

Respondent/Market Committee has willfully violated the order dated 6th July, 2006 passed by the Division Bench of this Court in Writ Petition No.711 of 2006. It appears from the judgment dated 6th July, 2006 that the Petitioners who are merchants dealing in banana had filed the petition contending that the market fee cannot be recovered from them because there is no principal or subsidiary market established for marketing bananas under the A.P.M.C.Act.

2. Now, according to the Petitioner, the market committee is trying to recover market fees from the Petitioners on the ground that they are licence holders from the market committee though they may not be the purchasers of agricultural produce. The term of the licence does not permit the market committee to collect the market fees from the person who is not liable to pay the same. Thus, according to the Petitioners the market committee is acting contrary to the judgment of this court.

2. I have heard the learned Counsel appearing for both the sides. In my opinion, the only issue that was decided by the Division Bench by judgment dated

6th July, 2006 was as to whether the Market Committee can levy market fees on the transaction of banana which is an agricultural produce, though there is no principal or subsidiary market constituted for the same. The question whether as a licence holder of the market committee, market committee can collect market fees from the Petitioners was not decided by the court. Therefore, in my opinion, it cannot be said that the market committee has willfully violated the order made by the Division Bench. Contempt Petition is, therefore, disposed of.

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